New Jersey Food Council
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Legislative Issue

Disposable Bag Fee
A-3671 / S-2349

Issue: This bill provides for a five cents fee on disposable plastic and paper bags.

Status: A-3671 (Spencer/Vainieri Huttle) Passed Assembly Environment Committee. S-2349 (Ruiz) Introduced and referred to Senate Environment Committee.

Background: In the past several months, NJFC has defeated destructive local plastic bag ordinance proposals in Woodcliff Lake, Princeton, Brigantine & Ventnor while the Borough of Longport, which has no NJFC members or national or regional retailer presence at all, has enacted a 10 cent fee which impacts only a local restaurant.

Expecting more of these proposals, particularly in sensitive shore towns, NJFC met with now-former Assembly Environment Chair L. Grace Spencer to craft this proposal.

Bill Impacts: The amended bill provides for a five cents fee on disposable plastic and paper bags. The fee shall be levied by all retailers over 2,000 square feet, or who are members of a chain of 10 or more locations. The amended bill removes previous escalating fees and bans, instead enacting the 5 cent fee in perpetuity. The bill also provides for the Department of Environmental Protection to engage in a public information campaign prior to the effective date of the bill. Consumers who are receiving food assistance will be exempted from the fee. A last minute change also exempted seniors over 55. The retailer retains one cent and the other four cents go into the Healthy Schools and Community Lead Abatement Fund. Lastly, the bill completely preempts all local and county actions to ban or place a fee on these bags.

NJFC Position: As part of our members' larger focus on improving sustainability and our solid waste management efforts, NJFC is taking a progressive approach to this issue. We have learned from the success in Montgomery County, Maryland that a carefully crafted bag fee can have the intended environmental benefit while having little negative impact on retailers. NJFC supports this bill, which mirrors Montgomery's program. Under this bill, the retailer would retain one cent and the other four cents would go into the Healthy Schools and Community Lead Abatement Fund. The bill provides for complete statewide preemption, exempts WIC and SNAP recipients, and exempts very small retailers occupying less than 2,000 square feet. However NJFC is advocating for the removal of the senior exemption due to significant operational concerns.

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